



RE: Remainder of FOIA request 09-FOI-00460-10

Kim Muratore to: Brower, Neill
Cc: Kelly Manheimer, Michael Massey

06/08/2011 08:38 PM

Mr. Brower-

I'm sending you via mail a CD with the documents on it (see below). The email system couldn't handle the size of the attachments.

RE: Remainder of FOIA request 09-FOI-00460-10

RE: Remainder of FOIA request 09-FOI-00460-10

Kim Muratore to: Brower, Neill

06/08/2011 03:13 PM

Cc: Michael Massey, Kelly Manheimer

Mr. Brower-

Attached are the documents (one is partially redacted) that are being released to you following the conclusion of the CBI substantiation process involving certain LABP documents you requested under FOIA number 09-FOI-00460-10. The redactions are made pursuant to 40 C.F.R. 2.205(c). Given the length of time that the substantiation process has taken, EPA has decided to waive the normal FOIA charges and you will not be billed for these document copies.

[attachment "1126599.pdf" deleted by Kim Muratore/R9/USEPA/US]

[attachment "r-2193510.pdf" deleted by Kim Muratore/R9/USEPA/US]

Kim Muratore

My best guess is within 2-3 weeks, by the time h

03/03/2011 01:31:50 PM

From: Kim Muratore/R9/USEPA/US
To: "Brower, Neill" <NBrower@JMBM.com>
Date: 03/03/2011 01:31 PM
Subject: RE: Remainder of FOIA request 09-FOI-00460-10

My best guess is within 2-3 weeks, by the time he runs his decision through the management chain. But it's only a guess.

Kim Muratore, Case Developer (SFD-7-B)
Phone: (415) 972-3121
Fax: (415) 947-3520
Email: muratore.kim@epa.gov

"Brower, Neill"

Thank you, Ms. Muratore. Do you have any sens...

03/03/2011 01:23:33 PM

From: "Brower, Neill" <NBrower@JMBM.com>
To: Kim Muratore/R9/USEPA/US@EPA
Date: 03/03/2011 01:23 PM
Subject: RE: Remainder of FOIA request 09-FOI-00460-10



WORK REQUEST FORM



SUPERFUND RECORDS CENTER

GRB Environmental Services, Inc. Staff

Note: Click in areas surrounded by green boxes for information ..

To submit electronic documents for indexing and addition to SDMS, use the Electronic Documents (E-Docs) Submittal Form.

Name: Kim Muratore Date: 06/01/2011

Mail Code: SFD-7-5 Phone: 2-3121

Work Request Number: 110601-1321

Site Name: San Fernando Valley/North Hollywood

EPA OU Code: Site Spill ID(SSID):

Work Type: ☐ SDMS Indexing/File Organization - (Task 2.1) Indicate RIN # (Required for FOIA)

☐ SDMS Scanning - (Task 2.3)

☐ Financial Package Processing - (Task 2.5)

☐ Search/Retrieval Projects (Non-FOIA) - (Task 3.1)

☒ FOIA Service - (Task 3.2)

☐ Copy/Redaction Service (Non-FOIA) - (Task 3.3)

☐ AR Compilation/Repository Support - (Task 4.1)

☐ Work Performed Compilation - (Task 4.2)

☐ Training/Tours - (Task 6)

☐ - (Other)

Service)

Work Request (in detail e.g. lft of files, # of documents): Please create a CD with the following excerpts from SDMS document #2109288 (07/26/06 104(e) response), redacted as noted: (1) pages 4501-4710; (2) pages 4498-4499; (3) pages 5249-5315; (4) pages 6705-6765; (5) the 07/26/06 cover letter (15 pages) with the following redactions: a) page 6 of 15: redact the header and first 2 paragraphs--all the stuff before the list of leases; b) page 8 of 15: redact the whole page; c) page 9 of 15: redact the header and the 1st paragraph--all the stuff before insurance carrier information; d) page 10 of 15: redact the rest of the page below where the policy information ends; and e) redact the whole page. Also include on the CD the document attached below

You may type your request in the field above or attach a file, a doclink or paste text in the field below. For instructions, click on the green box around Work Request.

1 attachment



k. muratore 11 16, 2010.pdf

Project Due Date (MM/DD/YYYY): 06/09/2011

☐ This request is related to Discovery/Litigation



Fw: Remainder of FOIA request 09-FOI-00460-10

Kim Muratore to: Michael Massey

03/08/2011 01:40 PM

Hi Mike-

Mr. Brower is getting anxious for a determination on the SFV/NH LABP FOIA substantiation. You asked for the document(s) which are subject to the substantiation. The document is way too big to give you a pdf of (3,000+ pages) but you can easily find it in SDMS. It is document #2109288 (07/26/06 104(e) response). Buried in the back end of Mr. Meyer's letter of 01/31/11 is Exhibit "A" (that portion of the 07/26/06 response which LABP is still claiming as confidential). Each item listed in Exhibit A is easily identifiable in the SDMS by either page number of the letter or BATES number, so it's easy to see the portions of this document for which the CBI claims are made. The only exception is that LABP is also claiming as CBI the 11/16/10 letter to us from Greenwald et al that re-lists these items it wants to claim as CBI. I didn't see that letter in SDMS but I think you were emailed a copy of it. Let me know if you need anything else.

Kim Muratore, Case Developer (SFD-7-B)

Phone: (415) 972-3121

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Email: muratore.kim@epa.gov

----- Forwarded by Kim Muratore/R9/USEPA/US on 03/08/2011 01:36 PM -----

From: Kim Muratore/R9/USEPA/US
To: "Brower, Neill" <NBrower@JMBM.com>
Date: 03/03/2011 12:44 PM
Subject: RE: Remainder of FOIA request 09-FOI-00460-10

Mr. Brower-

LABP submitted its substantiation which our attorney, Mr. Massey, is finishing analyzing. He has requested a couple of documents that I'm in the process of providing him, then he should be able to come to a determination.

Kim Muratore, Case Developer (SFD-7-B)

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"Brower, Neill"

Ms. Muratore:

02/28/2011 02:26:39 PM

From: "Brower, Neill" <NBrower@JMBM.com>
To: Kim Muratore/R9/USEPA/US@EPA
Date: 02/28/2011 02:26 PM
Subject: RE: Remainder of FOIA request 09-FOI-00460-10

Ms. Muratore:

What is the status of the LABP's substantiation of its CBI claim?

Thank you,

---Neill Brower

Neill E. Brower for

- 1) PG 6 OF 15: REDACT TITLE & 1ST ZIP (BEFORE LIST OF LEASES)
- 2) PG 8 OF 15: WHOLE PG
- 3) PG 9: REDACT HEADER & 1ST IP
- 4) PG 10: REDACT BELOW POLICES
"

REDACTED
PURSUANT
TO 40 CFR
2.205(c)

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From: Muratore.Kim@epamail.epa.gov [mailto:Muratore.Kim@epamail.epa.gov]

Sent: Thursday, December 09, 2010 11:52 AM

To: Brower, Neill

Subject: RE: Remainder of FOIA request 09-FOI-00460-10

Hello Mr. Brower-

I've mailed you a CD today that contains the 06/28/06 LABP 104(e) response in its entirety and a redacted version of the 07/26/06 response. I'm also attaching a copy of the request for substantiation letter to counsel for LABP that was mailed out this morning.

Kim Muratore, Case Developer (SFD-7-B)

Phone: (415) 972-3121

Fax: (415) 947-3520

Email: muratore.kim@epa.gov

From: "Brower, Neill" <NBrower@JMBM.com>
To: Kim Muratore/R9/USEPA/US@EPA
Date: 12/01/2010 01:53 PM
Subject: RE: Remainder of FOIA request 09-FOI-00460-10

Ms. Muratore:

Thank you for the information. Would you please provide the 6/28/06 response and a redacted version of the 7/26/06 response, and also initiate a substantiation process with LABP for the claimed CBI portions of the 7/26/06 response?

Thank you,

---Neill Brower

Neill E. Brower for
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From: Muratore.Kim@epamail.epa.gov [<mailto:Muratore.Kim@epamail.epa.gov>]

Sent: Tuesday, November 30, 2010 3:16 PM

To: Brower, Neill

Subject: Remainder of FOIA request 09-FOI-00460-10

Mr. Brower-

As you may recall, there were two documents that we had not released that were responsive to your FOIA request # 09-FOI-00460-10; these include LABP's 104(e) responses dated 06/28/06 and 07/26/06. We have been in touch with counsel for LABP and they have agreed to rescind their claim of CBI for the 104(e) response dated 06/28/06, and for most of the response dated 07/26/06. The portion of the 104(e) response dated 07/26/06 that LABP wishes to retain confidentiality for is listed below (sorry about the large type--it's cut and pasted from a pdf letter and I don't know how to reduce the font size). If you are willing to accept a version of the 07/26/06 letter that redacts the items listed below, please reply by email, and I will consider that your FOIA request has been amended to accept the non-cbi claimed portions of the 07/26/06 letter and can send the 06/28/06 letter and redacted 07/26/06 letter out to you with no further delay. I will try to send them by email but the two 104(e) responses are quite large so they may

reject, in which case I will mail you a disk containing pdf copies of the two letters. If you choose to contest the continued CBI claim for that portion of the 07/26/06 letter noted below, then we will need to go through the substantiation process with LABP. Please advise.

1. Pages 6-9 of 15 of the letter d Montes, of Greenwald, Hoffman, Meyer & Mc EPA, Region 9, consisting of the Los Angeles Angeles By-Products Insurance Information. 7

2. Bates Numbered Pages 4501- lease agreements);

3. Bates Numbered Pages 5249-5 the Proposed Strathern Sanitary Landfill);

4. Bates Numbered Pages 6705- Landfill Gas Recovery System).

Kim Muratore, Case Developer (SFD-7-B)
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DONALD M. HOFFMAN
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January 31, 2011

Michael Massey, Esq.
Office of the Regional Counsel
U.S. EPA Region 9, ORC-3
75 Hawthorne Street
San Francisco, CA 94105

Kim Muratore, Case Developer
Cost Recovery & Case Development Section
Superfund Division, EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Massey and Ms. Muratore:

In order to proceed in an orderly fashion, given the voluminous amount of documents that we released from privilege claims, pursuant to Cal-Mat's FOIA request, we have attached as Exhibit "A", the documents by category that still remain in contention. Exhibit "A" also reflects the page number and tab number (where applicable) pursuant to our original Table of Contents attached hereto as Exhibit "B".

Since the same arguments are applicable to a broad category such as "leases" we will treat this category as a whole, rather than address each individual item. All of the General Objections, challenges and specifically asserted privileges contained in LA By Products responses of June 14, 2006, July 26, 2006, June 28, 2006, and November 10, 2010, are incorporated herein.

Volume 9 p. 4501-4710 - Tab 80-93

Lease Agreements

1. LA By Products leases contain confidential, propriety information that is protected (such as lease payments) and impact third parties (lessees). There is presently no litigation between LA By Products and EPA or Cal-Mat. Cal-Mat has not brought a contribution action and/or a third party action at any time, and

Mr. Massey
Ms. Muratore
January 31, 2011
Page 2 of 6

there have been no allegations or information that a lessee used or released hazardous materials. Thus, the contents of the lease agreements are irrelevant and should remain permanently confidential and only upon litigation by Cal-Mat (or any PRP) will this issue be reconsidered.

2. Not applicable. The Lease Agreements and their contents will not become "stale over time". This information will remain the same.

3. LA By Products has only released this information to a governmental body (EPA) and pursuant to litigation. Otherwise, the Lease Agreements have been deemed confidential and only discoverable in the event of litigation.

4. Not applicable. None of the information contained in the Lease Agreements or the Lease Agreements themselves have been made publicly have been publicly available by Internet, databases, promotional publications, annual reports or articles. There is no means by which a member of the public could obtain access to the information. This is not the kind of information that LA By Products would customarily release to the public. In addition, any such disclosure could interfere with sales or lease of the properties and result in third party interference with business relations.

5. Not applicable.

6. The release of LA By Products lease agreements (and specific terms of each lease) is likely to cause substantial harm to their competitive position for the following reasons: these lease agreements range from 1965 to 2002 and depict LA By Products confidential dealings with third party lessees over a forty year period. They contain payment information and contractual terms which are the subject of confidential negotiations between LA By Products and its respective lessees. The Lease Agreements contain confidential financial information and also represent LA By Products willingness under certain individual circumstances to accept certain terms and conditions upon leasing and sub-leasing its properties, thus exposing LA By Products' practices to its competitors and potentially giving them a competitive edge.

7. The information was originally submitted on a mandatory basis pursuant to a 104(e) Request. However, EPA had previously obtained this information and has been in possession of it since 1994 without releasing it to third parties.

8. All privileges contained in the June 14, 2006, June 28, 2006, July 26, 2006, and November 10, 2010, letters are reasserted herein.

Insurance Policies

(Letter dated July 26, 2006, from Raul Montes, Greenwald, Hoffman, Meyer & Montes, LLP, pages 9-11 of 15)

1. LA By Products insurance policies are privileged in that there is no litigation between LA By Products and EPA or Cal-Mat. These insurance policies are confidential, propriety information not subject to disclosure. Cal-Mat has not brought a contribution action and/or a third party action at anytime. The disclosure of this information by EPA could lead to frivolous litigation by third parties and thus, is prejudicial to EPA in the event of future litigation. The insurance policy list and its contents should remain permanently confidential and only upon litigation by Cal Mat or (or any PRP) will this issue be reconsidered. Any insurance information is discoverable only in the event of and for litigation purposes.
2. Not applicable. The insurance policy list and their contents will not become "stale over time". This information will remain the same.
3. LA By Products has only released this information to a governmental body (EPA) and pursuant to litigation. Otherwise, the list of insurance policies and the policies themselves are deemed confidential.
4. Not applicable. None of this information, LA By Products insurance policies, have been made publicly available whatsoever, not by the internet, data bases, promotional publications, annual reports or articles. There is no means by which a member of the public could obtain access to this information. This not the kind of information that LA By Products would customarily release to the public.
5. Not applicable.
6. The release of the list of LA By Products' insurance policies and accompanying confidential information may result in harmful effects, including but not limited to the following harmful effects: this release will result in unnecessary, unwarranted litigation, will prejudice LA By Products position in any future litigation and/or settlement. In addition, any release constitutes interference with third party business and fiduciary relations.

Mr. Massey
Ms. Muratore
January 31, 2011
Page 4 of 6

7. The information was originally submitted on a mandatory basis pursuant to a 104(e) Request. However, EPA had previously obtained this information and has been in possession of it since 1994 without releasing it to third parties.

8. All privileges contained in the June 14, 2006, June 28, 2006, July 26, 2006, and November 10, 2010, letters are reasserted herein.

Letter from US EPA - - December 31, 1996
Pacific Energy
(Volume 9, Page 4498, Tab 79)

1. This letter is irrelevant as the subject matter involved one unverified complaint against a former tenant of LA By Products. There is no causal connection between this letter and LA By Products actions at the Penrose Landfill. The disclosure of this information is misleading and irrelevant. It also places LA By Products properties in a false light and creates a stigma. The disclosure of this letter is highly prejudicial as it is outdated and suggests "odors" when LA By Products has been in compliance with air quality regulations. This letter should remain permanently privileged as irrelevant, lacking foundation and without evidentiary value.

2. Not applicable. The contents of the letter are already "stale", irrelevant and outdated. The information contained therein will remain the same.

3. LA By Products has only released this information to EPA which already had in its possession.

4. Not applicable. LA By Products is unaware of any public disclosure of this letter.

5. Not applicable. LA By Products is unaware of any public disclosure of this letter.

6. This letter is irrelevant as the subject matter involved one unverified complaint against a former tenant of LA By Products. There is no causal connection between this letter and LA By Products actions at the Penrose Landfill. The disclosure of this information is misleading and irrelevant. It also places LA By Products properties in a false light and creates a stigma. The disclosure of this letter is highly prejudicial as it is outdated and suggests "odors" when LA By Products has been in compliance with air quality regulations. This letter should remain permanently privileged as irrelevant, lacking foundation and

Mr. Massey
Ms. Muratore
January 31, 2011
Page 5 of 6

without evidentiary value. This letter is privileged in that there is no litigation between LA By Products and EPA or Cal-Mat. Cal-Mat has not brought a contribution action and/or a third party action at anytime. The disclosure of this information by EPA could lead to frivolous litigation by third parties and thus, is prejudicial to EPA in the event of future litigation. The disclosure of this letter may result in unnecessary, unwarranted litigation. It will damage LA By Products ability to sell and/or lease its properties. It will place LA By Products properties in false light and create a stigma.

7. Not applicable. EPA has been in possession of this letter.
8. All privileges contained in the June 14, 2006, June 28, 2006, July 26, 2006, and November 10, 2010, letters are reasserted herein.

Volume 10
Report of Geotechnical Investigation
Proposed Strathern Sanitary Landfill
(p. 5249, Tab 3) (hereinafter "Report")

1. Permanent Disclosure. Strathern landfill is not the subject of EPA's prior 1996 litigation and settlement, nor is the landfill presently listed as a site.
2. This report is presently stale. The Report was commissioned on November 3, 1981, as a proposal for Strathern landfill to become a sanitary landfill. Since Strathern became a solid, inert landfill the Report has no relevance and should be permanently treated as confidential. Simply put, the Report is about a proposed project that never occurred.
3. This Report has only been disclosed to the EPA.
4. The Report is not publicly available. There are no known means by which a member of the public could obtain access to the information. This information is not of a kind that would customarily be released to the public.
5. Not applicable.
6. The release of the Report would cause substantial harm to LA By Products since it would be highly misleading. As previously stated, this report was commissioned to explore the option of the Strathern property becoming a

Mr. Massey
Ms. Muratore
January 31, 2011
Page 6 of 6

sanitary landfill. Since this never occurred, LA By Products would be placed in a false light and exposed to potential frivolous litigation.

7. The information was originally submitted on a mandatory basis pursuant to a 104(e) Request. However, EPA had previously obtained this information and has been in possession of it since 1994 without releasing it to third parties.

8. All privileges contained in the June 14, 2006, June 28, 2006, July 26, 2006, and November 10, 2010, letters are reasserted herein.

Greenwald, Hoffman, Meyer & Montes, LLP

By: 

Lawrence F. Meyer

DONALD M. HOFFMAN
LAWRENCE F. MEYER
RAUL M. MONTES

GUY P. GREENWALD, JR.
(1914-1984)

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June 14, 2006

VIA CERTIFIED MAIL

Kim Muratore, Case Developer (SFD-7-B)
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: General Notice Letter/104(e) for the San Fernando Valley/North
Hollywood Superfund Site
North Hollywood, California

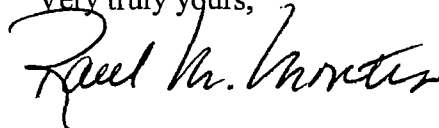
Dear Ms. Muratore:

In further response to the information request contained in your General Notice Letter dated April 25, 2006, Los Angeles By-Products Co. submits the following preliminary information, together with continuing general objections, which are enclosed herewith.

I would also like to confirm your receipt of the information previously submitted under cover dated May 31, 2006. If you are not in receipt of the previously submitted information, please advise the undersigned.

The next set of responses to the requests for information will be due on June 28, and the final group would be due July 12, 2006.

Very truly yours,



Raul M. Montes

6/14/06

General Objections To General Notice Letter (104(e))
And To Definitions Applicable To Appendix D; To Enclosure D:
Information Request And To All Contents Therein

"The Company" (as defined by EPA) and "Responding Party" shall be used interchangeably herein. Responding Party hereby raises a continuing objection to each and every Request for Information ("Request") contained in General Notice Letter/104(e) for the San Fernando Valley/North Hollywood Superfund site. Rather than repeat each objection for each request, Responding Party objects on the following grounds, including but not limited to, the Requests are overly broad; not reasonably limited in scope and time; are vague, ambiguous and uncertain, lack reasonable particularity; are burdensome and oppressive; and have been previously asked and answered. Responding Party hereby reserves its right to raise other objections, including but not limited to attorney-client privilege, attorney work-product doctrine and any other privileges, to the fullest extent provided by law.

Responding Party reserves the right to challenge the constitutionality and/or legality of each and every Request contained therein and to the entire contents of the General Notice Letter.

Responding Party is presently not engaged in litigation with EPA and therefore, these responses are made without prejudice to Responding Party's rights to present additional documents in the future, whether it be prior to any litigation and/or further proceedings in this action or as evidence at trial.

Responding Party, while complying with EPA's timetables, has not had the opportunity for conferring, adjudicating or otherwise limiting, modifying any of the Requests. Therefore, further investigation and/or discovery may lead to additions to, changes in and variations from the responses herein set forth. The responses are given without prejudice to Responding Party's ability to produce evidence of any subsequently discovered documents or facts and to change any and all responses herein, and/or to seek any limitations, challenges, and modifications of each and every Request. Responding Party also reserves its rights to challenge any and all Requests on privacy and/or confidentiality grounds at any time herein. Such reservations and challenges are applicable to the "Definitions applicable to Appendix D".

These General Objections are applicable to any and all Responses submitted to the EPA by Responding Party, including its first set of Responses.

If Responding Party becomes a defendant or party to any future litigation, Responding Party reserves its rights to seek any protective orders, modification orders and/or any available protections with regard to each and every Request.

Responses to Information Request

- 33. So far as it is known, there were and are no hazardous material business plans and chemical inventory forms for any of the Facilities submitted to city, county, and state agencies.
- 35. So far as it is known, no chemicals or hazardous substances were used at the Hewitt Pit Facility during the Company's operations at the Facility.
- 36. So far as it is known, no chemicals or hazardous substances were used at the Tuxford Facility during the Company's ownership or operations at the Facility.
- 51. The Company has no information indicating any discharge of any waste stream to the sewer at the Hewitt Pit Facility during the Company's operations at the Facility. So far as it is known, the Company did not have any sewer connection at that Facility and there were no permits or analyses during the Company's operations at the Facility.
- 52. The Company has no information indicating any discharge of any waste stream to the sewer at the Tuxford Facility during the Company's ownership or operations at the Facility. So far as it is known, the Company did not have any sewer connection at that Facility and there were no permits or analyses during the Company's ownership or operations at the Facility.
- 54. So far as it is known, the Company did not generate any waste streams at the Hewitt Pit Facility during the Company's operations at the Facility.
- 55. So far as it is known, the Company did not generate any waste streams at the Tuxford Facility during the Company's ownership or operations at the Facility.
- 57. So far as it is known, the Company did not generate any waste streams at the Hewitt Pit Facility during the Company's operations at the Facility.
- 58. So far as it is known, the Company did not generate any waste streams at the Tuxford Facility during the Company's ownership or operations at the Facility.
- 60. So far as it is known, the Company did not remove waste streams from sumps at the Hewitt Pit Facility during the Company's operations at the Facility.

61. So far as it is known, the Company did not remove waste streams from sumps at the Tuxford Facility during the Company's ownership or operations at the Facility.
63. So far as it is known, during the Company's operations at the Hewitt Pit Facility, no wastes were stored for shipment for disposal at the Facility.
64. So far as it is known, during the Company's operations at the Tuxford Facility, no wastes were stored for shipment for disposal at the Facility during the Company's ownership or operations at the Facility.
66. So far as it is known, during the Company's operations at the Hewitt Pit Facility, there were no leaks, spills or other releases into the environment of any hazardous substances or pollutants or contaminants that occurred at or from the Hewitt Pit Facility.
67. So far as it is known, during the Company's ownership and or operations at the Tuxford Facility, there were no leaks, spills or other releases into the environment of any hazardous substances or pollutants or contaminants that occurred at or from the Tuxford Facility.
69. So far as it is known, there is no correspondence between the Company and local, state or federal authorities concerning the use, handling, or disposal of hazardous substances at the Hewitt Pit Facility.
70. So far as it is known, there is no correspondence between the Company and local, state or federal authorities concerning the use, handling, or disposal of hazardous substances at the Tuxford Facility.

The foregoing information is based upon a diligent review of the Company's records in its possession and control.

DONALD M. HOFFMAN
LAWRENCE F. MEYER
RAUL M. MONTES

GREENWALD, HOFFMAN, MEYER
& MONTES, LLP
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GUY P. GREENWALD, JR.
(1914-1984)

June 28, 2006

VIA CERTIFIED MAIL

Kim Muratore, Case Developer (SFD-7-B)
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: General Notice Letter/104(e) for the San Fernando Valley/North
Hollywood Superfund Site
North Hollywood, California

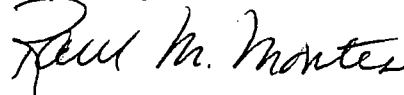
Dear Ms. Muratore:

In further response to the information request contained in your General Notice Letter dated April 25, 2006, Los Angeles By-Products Co. submits the enclosed preliminary information, together with a claim of confidentiality and continuing general objections, which are enclosed herewith. Los Angeles By-Products Co.'s responses, claim of confidentiality and continuing general objections are enclosed. However, due to the amount of documents being sent, they are being separately delivered by a common courier.

I would also like to confirm your receipt of the information previously submitted under cover dated June 14, 2006. If you are not in receipt of the previously submitted information, please advise the undersigned.

The final set of responses to the requests for information will be due on July 19, 2006, pursuant to agreement with Michael Massey on June 16, 2006.

Very truly yours,



Raul M. Montes

General Objections To General Notice Letter (104(e))
And To Definitions Applicable To Appendix D; To Enclosure D:
Information Request And To All Contents Therein

"The Company" (as defined by EPA) and "Responding Party" shall be used interchangeably herein. Responding Party hereby raises a continuing objection to each and every Request for Information ("Request") contained in General Notice Letter/104(e) for the San Fernando Valley/North Hollywood Superfund site. Rather than repeat each objection for each request, Responding Party objects on the following grounds, including but not limited to, the Requests are overly broad; not reasonably limited in scope and time; are vague, ambiguous and uncertain, lack reasonable particularity; are burdensome and oppressive; and have been previously asked and answered. Responding Party hereby reserves its right to raise other objections, including but not limited to attorney-client privilege, attorney work-product doctrine and any other privileges, to the fullest extent provided by law.

Responding Party reserves the right to challenge the constitutionality and/or legality of each and every Request contained therein and to the entire contents of the General Notice Letter.

Responding Party is presently not engaged in litigation with EPA and therefore, these responses are made without prejudice to Responding Party's rights to present additional documents in the future, whether it be prior to any litigation and/or further proceedings in this action or as evidence at trial.

Responding Party, while complying with EPA's timetables, has not had the opportunity for conferring, adjudicating or otherwise limiting, modifying any of the Requests. Therefore, further investigation and/or discovery may lead to additions to, changes in and variations from the responses herein set forth. The responses are given without prejudice to Responding Party's ability to produce evidence of any subsequently discovered documents or facts and to change any and all responses herein, and/or to seek any limitations, challenges, and modifications of each and every Request. Responding Party also reserves its rights to challenge any and all Requests on privacy and/or confidentiality grounds at any time herein. Such reservations and challenges are applicable to the "Definitions applicable to Appendix D".

These General Objections are applicable to any and all Responses submitted to the EPA by Responding Party, including its first set of Responses.

If Responding Party becomes a defendant or party to any future litigation, Responding Party reserves its rights to seek any protective orders, modification orders and/or any available protections with regard to each and every Request.

Claim of Confidentiality
Applicable to the
Solid Waste Assessment Test Reports
and Other Reports Provided

Please see the accompanying Solid Waste Assessment Test Reports ("SWAT") documents. The company is stating a claim of confidentiality as stated in each of the following responses and pursuant to sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C., §9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b) and any other relevant and/or applicable Statutes.

The following confidentiality claims are applicable to each and every SWAT document:

SCAQMD – Penrose Reports

1993 – 4th Q

1994 - 4th Q – 2nd Q – 3rd Q – 1st Q

1995 - 4th Q – 3rd Q – 2nd Q – 1st Q

1996 - 4th Q – 2nd Q – 3rd Q – 1st Q

1997 - 4th Q – 3rd Q – 2nd Q – 1st Q

1998 – 4th Q – 3rd Q – 1st Q Compliance Plan 1150.1

1999 - 4th Q – 3rd Q – 2nd Q – 1st Q

2000 – 4th Q – 1st Q

2001 - 4th Q – 3rd Q – 2nd Q

2002 - 4th Q – 3rd Q – 2nd Q – 1st Q

2004 – 2nd Q – 3rd Q

2005 – 4th Q – 1st Q – 3rd Q – 2nd Q

2004 – 2nd Semi Annual GWMR – STRATH
2005 – GWMR – January – June
2004 – GWMR – 1st Semi Annual – STRATH
1998 – 1st Quarter GWMR – STRATHERN
2005 – GWMR-STRATH- July – December
2003 – GWMR – STRATH – 2nd Quarter
2003- GWMR – 4th Quarter- Annual Sum. STRATH
2002 – GWMR – STRATH- 4th Quarter & Ann. Sum
Monitor Well Redevelp. Well 4928C – 2003
2002 – GWMR – STRATH – 2nd Quarter
2001 – GWMR – 1st Quarter – STRATH
2001 - GWMR – STRATH – Annual
2001 – GWMR – STRATH – 3rd Quarter
2000 – GWMR – STRATH – Ann. Sum
2000 – GWMR – STRATH – 1st Quarter
2000 – GWMR – STRATH – 3rd Quarter
1999 – GWMR – STRATH – Ann. Report
1999 – GWMR – STRATH – 1st Quarter
1998 – GWMR – STRATH – Ann. Report
1998 –GWMR – STRATH – 3rd quarter
1997 – GWMR – STRATH – 1st Quarter
1997 – GWMR – STRATH – 3rd Quarter

1997 - GWMR - STRATH - Ann. Report

1996 - GWMR - STRATH - Ann. Report

1995 - GWMR - STRATH - 1st Quarter

1995 - GWMR - STRATH - Ann. Report

1994 - GWMR - STRATH - Ann. Report

1994 - GWMR - STRATH - 3rd Quarter

1993 - GWMR - STRATH - 1st Quarter

1993 - GWMR - STRATH - Ann. Report

1992 - GWMR - STRATH - Ann. Report

1987 - GWMR - Penrose - 4th Quarter

Constr. Testing Vadose Zone Penrose & Newberry & Strath 1989

SWAT - 1989 - Penrose/Newberry/STRATH

- (a) Entire document(s)
- (b) Confidential treatment permanently
- (c) Attorney client privilege; work product privilege; consultants' treatment of documents as confidential.
- (d) Only specific governmental agencies receive information, attorneys and consultants under work product and attorney client privilege.
- (e) Not applicable.
- (f) Yes. The Company asserts that the disclosure of information will likely result in substantial harmful effects to the Company's competitive position. Such effects would include, but not be limited to interference with third party business relationships, economic damage, stigma, libel and slander and false light. These possible effects should be viewed as substantial. Briefly, any dissemination of environmental testing could interfere with sales or lease of the properties or shed false light upon the property itself or result in a stigma

to the property. The information contained in the SWATS is subject to interpretation by qualified consultants and its improper dissemination would lead to the aforementioned consequences.

- (g) All of the contents of each SWAT have been stamped "Confidential":
- (h) Again, the SWAT reports fall under the attorney client work privilege and work product doctrine. To the extent that the SWAT report is submitted to any governmental agency, this information is not to be available for third party dissemination and is submitted by the Company solely for the purpose of compliance with certain governmental agencies.

"Legitimate means" of receiving information do not include EPA and/or its representatives turning over protected reports to any third parties.

Response to Information Request

7. The Company's operations at the Tuxford Facility during the period of time the Company operated at the Facility was limited to landfill operations until the landfill operations ceased and the landfill was closed. The landfill operations commence in approximately 1948 and continued until approximately 1955. So far as it is known, from 1955 to 1960, the Company's only activities at the Facility were in connection with complying with closure requirements of the regulatory agencies. So far as it is known, the Company did not conduct any operations at the Facility from 1960 to 1967 when it was sold to Sam Adlen. During the Company's landfill operations, only household refuse was accepted at the Facility.
24. The Company did not engage in the use of hazardous substances or disposal of wastes at the Penrose Facility, other than those wastes associated with the landfill operations. The Company does not otherwise have or had employees with knowledge of the use of hazardous substances and disposal of wastes at the Penrose Facility.
25. The Company did not engage in the use of hazardous substances or disposal of wastes at the Hewitt Pit Facility, other than those wastes associated with the landfill operations. The Company did not otherwise have employees with knowledge of the use of hazardous substances and disposal of wastes at the Hewitt Pit Facility.
26. The Company did not engage in the use of hazardous substances or disposal of wastes at the Tuxford Facility, other than those wastes associated with the landfill operations. The Company did not otherwise have employees with knowledge of the use of hazardous substances and disposal of wastes at the Tuxford Facility.
27. The Company estimates, at any given time, approximately 4 to 8 people were employed by the Company at the Penrose Facility. The only service performed by the Company at the Penrose Facility was and is landfill operations.
28. The Company estimates, at any given time, approximately 4 to 8 people were employed by the Company at the Hewitt Pit Facility. The only service performed by the Company at the Hewitt Pit Facility was landfill operations.

29. The Company estimates, at any give time, approximately 4 to 8 people were employed by the Company at the Tuxford Facility. The only service performed by the Company at the Tuxford Facility was landfill operations.
34. The Company did not use any chemicals or hazardous substances at the Penrose Facility. The Company does not have any Material Safety Data Sheets. So far as it is known, no chemical or hazardous substances were used at the Penrose Facility.
37. The Company did not use or transport to the Penrose Facility any volatile organic compounds. So far as it is known, no volatile organic compounds were used or transported to the Penrose Facility.
38. The Company did not use or transport to the Hewitt Pit Facility any volatile organic compounds. So far as it is known, no volatile organic compounds were used or transported to the Hewitt Pit Facility during the Company's operations at the Facility.
39. The Company did not use or transport to the Tuxford Facility any volatile organic compounds. So far as it is known, no volatile organic compounds were used or transported to the Tuxford Facility during the Company's ownership or operations at the Facility.
40. Copies of the requested information which is in the possession, custody or control of the Company is provided herewith.
43. Copies of the requested information which is in the possession, custody or control of the Company is provided herewith.
50. The Company did not discharge any of its waste stream to the sewer at the Penrose Facility.
56. The Company did not generate any waste streams at the Penrose Facility for transport to a disposal site.
59. The Company did not engage in the removal of waste streams from sumps at the Penrose Facility.
68. So far as it is known, there is no correspondence between the Company and local, state or federal authorities concerning the use, handling, or disposal of hazardous substances at the Penrose Facility.
72. The Company has never owned a facility known as the Blue Diamond Pit

DONALD M. HOFFMAN
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RAUL M. MONTES

GREENWALD, HOFFMAN, MEYER
& MONTES, LLP
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July 26, 2006

VIA CERTIFIED MAIL

Kim Muratore, Case Developer (SFD-7-B)
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: General Notice Letter/104(e) for the San Fernando Valley/North
Hollywood Superfund Site
North Hollywood, California

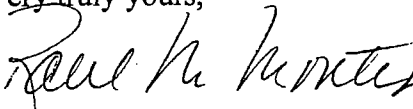
Dear Ms. Muratore:

In further response to the information request contained in your General Notice Letter dated April 25, 2006, Los Angeles By-Products Co. submits the enclosed preliminary information, together with a claim of confidentiality and continuing general objections, which are enclosed herewith. Due to the amount of documents being sent, they are being separately delivered by a common courier.

The information being provided herewith completes the responses to the requests for information contained in your General Notice Letter dated April 25, 2006.

Although the information was originally agreed to be provided by July 19, 2006, Michael Massey allowed an additional week to respond.

Very truly yours,



Raul M. Montes

17

7/26/06

General Objections To General Notice Letter (104(e))
And To Definitions Applicable To Appendix D; To Enclosure D:
Information Request And To All Contents Therein

“The Company” (as defined by EPA) and “Responding Party” shall be used interchangeably herein. Responding Party hereby raises a continuing objection to each and every Request for Information (“Request”) contained in General Notice Letter/104(e) dated April 25, 2006, for the San Fernando Valley/North Hollywood Superfund site. Rather than repeat each objection for each request, Responding Party objects on the following grounds, including but not limited to, the Requests are overly broad; not reasonably limited in scope and time; are vague, ambiguous and uncertain, lack reasonable particularity; are burdensome and oppressive; and have been previously asked and answered. Responding Party hereby reserves its right to raise other objections, including but not limited to attorney-client privilege, attorney work-product doctrine and any other privileges, to the fullest extent provided by law.

Responding Party reserves the right to challenge the constitutionality and/or legality of each and every Request contained therein and to the entire contents of the General Notice Letter.

Responding Party is presently not engaged in litigation with EPA and therefore, these responses are made without prejudice to Responding Party’s rights to present additional documents in the future, whether it be prior to any litigation and/or further proceedings in this action or as evidence at trial.

Responding Party, while complying with EPA’s timetables, has not had the opportunity for conferring, adjudicating or otherwise limiting, modifying any of the Requests. Therefore, further investigation and/or discovery may lead to additions to, changes in and variations from the responses herein set forth. The responses are given without prejudice to Responding Party’s ability to produce evidence of any subsequently discovered documents or facts and to change any and all responses herein, and/or to seek any limitations, challenges, and modifications of each and every Request. Responding Party also reserves its rights to challenge any and all Requests on privacy and/or confidentiality grounds at any time herein. Such reservations and challenges are applicable to the “Definitions applicable to Appendix D”.

These General Objections are applicable to any and all Responses submitted to the EPA by Responding Party, including its prior set of Responses.

If Responding Party becomes a defendant or party to any future litigation, Responding Party reserves its rights to seek any protective orders, modification orders and/or any available protections with regard to each and every Request.

Claim of Confidentiality

Applicable to the

Solid Waste Assessment Test Reports

and Other Reports Provided

Please see the accompanying Solid Waste Assessment Test Reports and related documents (herein referred to as "SWAT"). The company is stating a claim of confidentiality as stated in each of the following responses and pursuant to sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C., §9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b) and any other relevant and/or applicable Statutes.

The following confidentiality claims are applicable to each and every of the following SWAT documents:

Ground Water Monitoring Report
Annual Report, 1985-86
Penrose Landfill

Ground Water Monitoring Report
First Quarter, 1986
Penrose Landfill

Environmental Risk Analysis System
Final Report, 29 January 1979
Penrose Pit Sanitary Landfill

Regional Water Quality Control Board
April 17, 1987

Ground Water Monitoring Report
Second Quarter, 1987
Penrose Landfill

Proposed Solid Waste Assessment Test
Monitoring Program
Tuxford Landfill



Solid Waste Assessment
Test Water
Tuxford Landfill

Solid Waste Assessment Test Water
Penrose and Newberry Landfills

Proposed Solid Waste Assessment Test
Monitoring Program
Tuxford Landfill

Report of Geotechnical Investigation
Proposed Strathern Sanitary Landfill

Solid Waste Assessment Test
Supplementary Monitoring Report
Tuxford Landfill

Solid Waste Assessment Test
Supplementary Monitoring Report
Penrose and Newberry Landfills and Strathern Pit

Construction and Testing of Monitoring Wells
Tuxford Landfill
January 1989

Construction and Testing of Monitoring Wells
Penrose and Newberry Landfills
January 1989

Third Quarter 1999
Groundwater Monitoring Report
Strathern Landfill

Second SWAT Supplemental Monitoring Report
Tuxford Landfill
December 17, 1990

Second SWAT Supplemental Monitoring Report
Tuxford Landfill
December 17, 1990

Third Quarter 1999
Groundwater Monitoring Report
Strathern Landfill

1996 Annual Report
Groundwater Monitoring
Strathern Landfill

Groundwater Monitoring Report
Third Quarter 1996
Strathern Landfill

First Quarter 1996
Groundwater Monitoring Report
Strathern Landfill

1995 Annual Report
Groundwater Monitoring
Strathern Landfill

Groundwater Monitoring Report
First Quarter 1995
Strathern Landfill

Groundwater Monitoring Report
Third Quarter 1994
Strathern Landfill

Groundwater Monitoring Report
First Quarter 1994
Strathern Landfill

1994 Annual Report
Groundwater Monitoring
Strathern Landfill

Groundwater Monitoring Report
First Quarter 1993
Strathern Landfill

Groundwater Monitoring Report
Second Quarter 1993
Strathern Landfill

Groundwater Monitoring Report
Third Quarter 1993
Strathern Landfill

1993 Annual Report
Groundwater Monitoring
Strathern Landfill

- (a) Entire document(s)
- (b) Confidential treatment permanently
- (c) Attorney client privilege; work product privilege; consultants' treatment of documents as confidential.
- (d) Only specific governmental agencies receive information, attorneys and consultants under work product and attorney client privilege.
- (e) Not applicable.
- (f) Yes. The Company asserts that the disclosure of information will likely result in substantial harmful effects to the Company's competitive position. Such effects would include, but not be limited to interference with third party business relationships, economic damage, stigma, libel and slander and false light. These possible effects should be viewed as substantial. Briefly, any dissemination of environmental testing could interfere with sales or lease of the properties or shed false light upon the property itself or result in a stigma to the property. The information contained in the SWATs is subject to interpretation by qualified consultants and its improper dissemination would lead to the aforementioned consequences.
- (g) All of the contents of each SWAT have been stamped "Confidential":
- (h) Again, the SWAT reports fall under the attorney client work privilege and work product doctrine. To the extent that the SWAT report is submitted to any governmental agency, this information is not to be available for third party dissemination and is submitted by the Company solely for the purpose of compliance with certain governmental agencies.

"Legitimate means" of receiving information do not include EPA and/or its representatives turning over protected reports to any third parties.

Claim of Confidentiality

Applicable to the

Los Angeles By-Products Leases

Please see the accompanying leases, subleases, assignments, consents and other related documents between the Company and various parties (herein referred to as "Leases"). The company is stating a claim of confidentiality as stated in each of the following responses and pursuant to sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C., §9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b) and any other relevant and/or applicable Statutes.

The following confidentiality claims are applicable to each and every of the following Lease documents:

<u>Lessor</u>	<u>Lessee</u>	<u>Date of Document:</u>
Los Angeles By-Products Co.	The Flintkote Company	August 9, 1965
Los Angeles By-Products Co.	John Wells Golf Shop, Inc.	November 22, 1999
Los Angeles By-Products Co.	Karlton Spindle	September 2001
Karlton Spindle	Marvin V. Salazar	November 1, 2003
Harout Broutian	Ruben Santana & Danny Santana	December 9, 1999
Los Angeles By-Products Co.	Donald Phillips	June 1, 1993
Los Angeles By-Products Co.	A-1 Scrap, Inc.	February 24, 1984
Los Angeles By-Products Co.	A-1 Scrap, Inc.	April 1, 1990
Los Angeles By-Products Co.	Self Serve Auto Dismantlers & A-1 Metals Recycling, Inc.	April 1, 1990
Los Angeles By-Products Co.	Edward A. Borges	April 1, 2002
Los Angeles By-Products Co.	Owner Operator Ready Mix Concrete	April 1, 1995

Los Angeles By-Products Co.	Owner Operator Ready Mix Concrete	April 1, 1981
Los Angeles By-Products Co.	Le Valley Ready Mix Co.	April 1, 1964
Los Angeles By-Products Co.	Le Valley Ready Mix Co.	April 1, 1957
Los Angeles By-Products Co.	Cambrian Energy Systems, Inc.	December 8, 1982
Los Angeles By-Products Co.	Detroit Scrap, Inc	August 16, 1973
Arthur Kazarian	Los Angeles By-Products Co.	November 15, 1948
Los Angeles By-Products Co.	A.E. Schmidt Company	May 1966
Los Angeles By-Products Co.	Aetna Auto & Truck Dismantlers, Inc.	August 8, 1986
Los Angeles By-Products Co.	Skyline Concrete Sales Co.; Sun Valley Ready Mix Corp.; and Time Transportation Inc.	April 1, 1964
Consolidated Rock Products Co.	Los Angeles By-Products Co.	December 5, 1962
Graham Brothers, Incorporated	Los Angeles By-Products Co.	April 8, 1948
Los Angeles By-Products Co.	Sam Adlen and Dorothy Adlen	May 1, 1962
Los Angeles By-Products Co.	Sam Adlen and Dorothy Adlen	February 14, 1964
Los Angeles, By-Products Co.	J.E. Hooker	May 29, 1958

- (a) Entire lease agreements
- (b) Confidential treatment permanently
- (c) All leases treated as confidential business proprietary information available only to officers and attorneys for the Company.
- (d) Same as above
- (e) Not applicable
- (f) Yes. The Company claims that the disclosure of information will likely result in substantial harmful effects to the Company's competitive position. Such effects would include, but not be limited to interference with third party business relationships, economic damages, libel and slander. Briefly, these leases include confidential business proprietary information which, if disseminated could result in economic loss and/or damage to the Company..
- (g) All of the contents of each Lease document has been stamped "Confidential":
- (h) To reiterate, the Leases fall under protected business proprietary information. To the extent that any portion of any of the aforementioned listed Leases have been recorded, this information is not available for third party dissemination and has been memorialized solely as a Memorandum of Lease agreement as agreed upon by each party and its respective attorneys.

"Legitimate means" of receiving information does not include EPA and/or its representative turning over protected information to any third parties.

Claim of Confidentiality

Applicable to the

Los Angeles By-Products Insurance Information

Please see list of insurance carriers and accompanying policy information. The Company is stating a claim of confidentiality as stated in each of the following responses and pursuant to Sections 104(e) (7) (E) and (F) of CERCLA 42 U.S.C. §9604 (e) (7) (E) and (F), and Section 3007 9b) of RCRA, 42 U.S.C. §6927 (b), and 40 C.F.R. §2.203 (b) and any other relevant and applicable statutes.

<u>Insurance Carrier</u>	<u>Policy Term</u>	<u>Policy Type/Policy No.'s</u>
Travelers (Calvert Fire Insurance Co.)	11/17/75-11/17/76	CGL GLA625892
Bellefonte Underwriters	12/01/77-12/01/78	Primary CGL CAG227870
Allianz Insurance Co.	12/01/78-12/01/79	CGL GLA504257
	12/01/79-12/01/80	CGL Primary GLA504016
	12/01/80-12/01/81	CGL Policy GLA509159
Continental/ Harbor	06/01/68-06/01/65	Comprehensive Liability 100191
London Market Insurer (Lloyds of London)	04/06/53-04/03/56	PD Liability LL43140
	06/01/56-06/01/62	PD Liability LA58426
Agricultural Excess & Surplus	12/01/84-12/01/85	CGL Primary PR023996
	12/01/85-12/01/86	Primary CGL PL024245

Pacific Indemnity	06/01/41-06/01/53	Comprehensive Liability LAC12844
	06/01/53-06/01/56	Comprehensive Liability LAC70330
	06/01/56-06/01/71	Comprehensive Liability LAC93098

The following confidentiality claims are applicable to each and every insurance policy and to the list of insurance policies produced by the Company and which is confidential information protected by attorney-client privilege and work product doctrine.

- a) Entire document(s); list of insurance policies
- b) Permanent confidential treatment
- c) All insurance policies are treated as confidential business proprietary information and only available to officers, attorneys and the insurance broker for the company. The list of insurance policies is protected by attorney-client privilege and work product doctrine.
- d) Same as above.
- e) Not applicable.
- f) Yes. The Company claims and assets that the disclosure of such information will likely result in substantial harmful effects to the Company's competitive position. Such effects would include, but not be limited to interference with third party business relationships, and economic damages. The dissemination of such insurance information will leave the Company vulnerable to claims, including frivolous claims by third parties based on the mistaken belief that coverage is automatically available and afforded under these policies. The Company will also suffer from the tort of "false light" by dissemination of its insurance policy information. Briefly, these insurance policies are confidential, business proprietary information, which if disseminated may result in economic loss and or damages to the Company.
- g) The list of insurance policies and the information regarding each policy being provided by the Company is stamped "Confidential".

h) To reiterate, the Company's insurance policies fall under protected business proprietary information. The Company, through its attorneys, is willing to negotiate an appropriate confidentiality agreement, prior to production of any of the insurance policies requested. Meanwhile, in good faith, the Company is presenting a list of insurance policies that may respond to an environmental claim. This list is not available for dissemination to third parties.

"Legitimate means" of receiving information does not include EPA and/or its representatives contacting any of the insurance carriers directly. Such contact will constitute interference with business relations.

Response to Information Request

5 The Company's operations at the Penrose landfill portion of the Penrose Facility during the period of time the Company operated at the Penrose landfill was limited to landfill operations until the landfill operations ceased. The landfill operations commence in approximately 1961 and continued until approximately 1985. Only non-hazardous household rubbish, construction materials and dirt were accepted at the Penrose landfill.

In 1982, a methane gas collections system was installed on behalf of the Company.

Since 1982, the Company's operations have consisted of leasing portions of the site.

The Company's operations at the Strathern landfill portion of the Penrose Facility during the period of time the Company operated at the Strathern landfill has been limited to landfill operations. The landfill operations commence in approximately 1992 and have continued to date. Only solid inert materials are accepted at the Strathern landfill.

The Company's operations at the Newberry landfill portion of the Penrose Facility during the period of time the Company operated at the Newberry landfill were limited to landfill operations until the landfill operations ceased. The landfill operations commence in approximately 1948 and continued until approximately 1955. Only non-hazardous household rubbish, construction materials and dirt were accepted at the Newberry landfill.

In approximately 1974, a methane gas collections system was installed on behalf of the Company.

The Company's operations since closure of the landfill have consisted of leasing portions of the site.

6. The Company's operations at the Hewitt Pit Facility during the period of time the Company operated at the Facility was limited to landfill operations until the landfill operations ceased and the landfill was closed. The landfill operations commenced in approximately 1963 and continued until approximately 1979. During the Company's landfill operations, only non-hazardous household rubbish and solid inert materials were accepted at the Facility.

A methane gas collections system was installed on behalf of the Company.

19. The name and address, so far as it is known to the Company, of each tenant during the period of time the Company owned the Penrose Facility is set forth in the leases which are being provided herewith.

20. During the period of time the Company operated at, but did not own, the Penrose landfill portion of the Penrose Facility, said portion was owned by Conrock, 3200 San Fernando Road, P.O. Box 2950 Los Angeles, California, 90051, (213)258-2777.

During the period of time the Company operated at, but did not own, the Hewitt Pit Facility, said Facility was owned by Conrock, 3200 San Fernando Road, P.O. Box 2950 Los Angeles, California, 90051, (213)258-2777.

To the extent located, the lease agreements between the Company and the respective property owners are provided.

22. The Company did not own the Hewitt Pit Facility. The Facility was owned by Conrock, 3200 San Fernando Road, P.O. Box 2950 Los Angeles, California, 90051, (213)258-2777 and was operated as a quarry by Conrock. The Company has not located information in its possession sufficient to enable it to further respond.

23. The owners of the Tuxford Facility prior and subsequent to the Company are as follows:

The prior owners: Pacific States Properties, Inc.,
Helen M. Farrar, Justine S. Shelly and Emma J. Deacon
Graham Brothers, Incorporated
John M. Brown and Nancy J. Brown
James I. Holt and Mabel C. Holt

Subsequent owners: Gordon Donald Adlen, Sam Adlen and Annie A. Adlen
since March 7, 1967.

A. Other than the purchase date and sale date of the Tuxford Facility, the Company has no information.

B. The Company has no information.

C. The Company has no information in its possession.

D. The Company has no evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be release at the Tuxford Facility during the period of prior or subsequent ownership or operation.

30. The Company has previously provided scaled maps which are part of the Solid Waste Assessment Tests previously provided. The extent of the Company's information is contained in the documents previously provided and in the additional documents provided herewith.

31. The Company is presently not aware of the existence of any such maps in its possession, custody or control.

32. The Company has previously provided scaled maps which are part of the Solid Waste Assessment Tests previously provided. The extent of the Company's information is contained in the documents previously provided and in the additional documents provided herewith.

41. So far as it is known, copies of the requested information which is in the possession, custody or control of the Company have been or are provided herewith.

42. So far as it is known, copies of the requested information which is in the possession, custody or control of the Company not otherwise previously provided is provided herewith.

44. So far as it is known, the Company has no such information in its possession, custody or control.

45. So far as it is known, the information requested is contained in the documents previously provided and provided herewith.

46. A list of the insurance carriers, policy term, type and number which may afford coverage is being provided.

47. A list of the insurance carriers, policy term, type and number which may afford coverage is being provided.

48. A list of the insurance carriers, policy term, type and number which may afford coverage is being provided.

49. So far as it is known, other than permits for the operation of the landfills or sewer connections, the Company has not obtained any other waste discharge permits under any local, state, or federal environmental laws and regulations, including any waste discharge permits, such as national pollutant discharge elimination system permits.

53. Other than routine monthly trash service, the Company does not generate any waste streams at the Penrose Facility.

62. Other than normal landfill operations, and monthly trash service, the Company has not stored any wastes at the Penrose Facility for shipment or disposal.

65. There have been no leaks, spills or other releases into the environment of any hazardous substances or pollutants or contaminants that have occurred at or from the Penrose Facility.

74. There is no affiliation between the Company and Consolidated Rock Products Company and its predecessors and successors except for the leasing agreement and the purchase agreement of the Penrose landfill portion of the Penrose Facility. The lease and purchase agreement are being provided.

The foregoing information is based upon a diligent review of the Company's records in its possession and control.

DONALD M. HOFFMAN
LAWRENCE F. MEYER
RAUL M. MONTES

GUY P. GREENWALD, JR.
(1914-1984)

GREENWALD, HOFFMAN, MEYER
& MONTES, LLP
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November 10, 2010

Michael Massey, Esq.
Office of the Regional Counsel
U.S. EPA Region 9, ORC-3
75 Hawthorne Street
San Francisco, CA 94105

Re: Los Angeles By-Products Co. Claim of Privilege/
Cal Mat's FOIA Request for NHOU documents

Dear Mr. Massey:

We have conducted a review of the claim of privilege by Los Angeles By-Products Co. (LAByPro) with regard to their 104(e) responses to EPA's General Notice Letter dated April 25, 2006. Said responses are contained in letters dated May 31, 2006, June 14, 2006, June 28, 2006, and July 26, 2006, from Raul M. Montes, of Greenwald, Hoffman, Meyer & Montes, LLP, to Kim Muratore, U. S. EPA, Region 9, and the documents contained therewith. Said responses are contained in a total of 16 Volumes, and are tabbed and Bates numbered by page.

On behalf of LAByPro, this office, as attorneys for Los Angeles By-Products Co., does hereby release all of the claims for privilege for the following items contained in the attached Table of Contents:

1. Volumes 1-9 - Landfill monitoring reports (page numbers 1-4500, tab numbers 1-79); groundwater monitoring reports and SWAT documents (page numbers 4784-5095, tab numbers 94-100)
2. Volume 10 - we release (pages 5096-5248, tabs 1 & 2) and (pages 5316-5572, tabs 4 and 5).
3. Volume 11 (SWATS and further groundwater reports) in its entirety;
4. Volume 12 - we release all documents except Tab 23 at page 6705-6765.

Michael Massey, Esq.
November 10, 2010
Page 2 of 2

5. We release letters dated May 31, 2006, June 14, 2006, June 28, 2006, and July 26, 2006, from Raul M. Montes, of Greenwald, Hoffman, Meyer & Montes, LLP, to Kim Muratore, U. S. EPA, Region 9, except pages 6 through 11 of 15 of the letter dated July 26, 2006, from Raul M. Montes.

In sum, we continue to claim and assert privileges for the following documents set forth in LAByPro Table of Contents:

Volume 9
Pages 4501-4783 (tabs 80-93);

Volume 10
Pages 5249-5315 (tab 3);

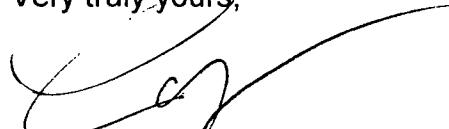
Volume 12
Pages 6705-6765 (tab 23).

LAByPro bases its privilege claims on its General Objections to General Notice letter 104(e)), Claim of Confidentiality (p. 6-8 of LAByPro responses), LA By Products claims of confidentiality (pages 9-11).

The letter of July 26, 2006, pages 6-9 also remains privileged for the same reasons set forth in LAByPro response.

We are willing to discuss these privilege claims with you and/or directly with Mr. Ehrlich.

Very truly yours,



Lawrence F. Meyer
Greenwald, Hoffman, Meyer & Montes, LLP

cc: Kenneth Ehrlich, Esq.
Kim Muratore, EPA

Exhibit "A"
LA By Products Claim for Privilege

<u>Volume 9</u> Lease(s) Letter from US EPA December 31, 1996 (Pacific Energy)	p. 4501-4710 4783 p. 4498 - 4499	Tabs 80-93 Tab 79
<u>Volume 10</u> Report of Geotechnical Investigation Proposed Strathern Sanitary Landfill	p. 5249 - 5315	Tab 3
<u>Volume 12</u> Letter from Central Plants, Inc., February 25, 1983 (Lockman Associates) July 26, 2006, letter from Raul M. Montes, Greenwald, Hoffman, Meyer & Montes, LLP November 16, 2010, letter from Lawrence F. Meyer, Greenwald, Hoffman, Meyer & Montes, LLP	p. 6705 - 6765 pgs. 9-11 of 15, Los Angeles By Products Insurance and Information in its entirety	Tab 23

TABLE OF CONTENTS

<u>Document Description</u>	<u>Page No.</u>	<u>Tab No.</u>
<u>Volume 1</u>		
Landfill Monitoring Report Fourth Quarter, 2005 Penrose Landfill	1	1
Landfill Monitoring Report First Quarter 2005 Penrose Landfill	54	2
Landfill Monitoring Report Third Quarter, 2005 Penrose Landfill	94	3
Landfill Monitoring Report Second Quarter, 2005 Penrose Landfill	107	4
Landfill Monitoring Report First Quarter, 2003 Penrose Landfill	150	5
Landfill Monitoring Report Second Quarter, 2003 Penrose Landfill	177	6
Landfill Monitoring Report Fourth Quarter, 2003 Penrose Landfill	204	7
Landfill Monitoring Report Second Quarter, 2004 Penrose Landfill	250	8
Landfill Monitoring Report Third Quarter, 2004 Penrose Landfill	279	9
Landfill Monitoring Report Fourth Quarter, 2002 Penrose Landfill	304	10

Landfill Monitoring Report Third Quarter, 2002 Penrose Landfill	333	11
Landfill Monitoring Report Second Quarter, 2002 Penrose Landfill	364	12
Landfill Monitoring Report Fourth Quarter, 2001 Penrose Landfill	400	13
Landfill Monitoring Report First Quarter, 2002 Penrose Landfill	455	14
Landfill Monitoring Report Third Quarter, 2001 Penrose Landfill	488	15
Landfill Monitoring Report Second Quarter, 2001 Penrose Landfill	515	16
Landfill Monitoring Report Fourth Quarter, 2000 Penrose Landfill	537	17
Landfill Monitoring Report Fourth Quarter, 1999 Penrose Landfill	575	18
<u>Volume 2</u>		
Landfill Monitoring Report First Quarter, 2000 Penrose Landfill	637	19
Landfill Monitoring Report Third Quarter, 1999 Penrose Landfill	701	20

Landfill Monitoring Report Second Quarter, 1999 Penrose Landfill	764	21
--	-----	----

Landfill Monitoring Report First Quarter, 1999 Penrose Landfill	830	22
---	-----	----

Landfill Monitoring Report Fourth Quarter, 1998 Penrose Landfill	915	23
--	-----	----

Landfill Monitoring Report Third Quarter, 1998 Penrose Landfill	1008	24
---	------	----

Compliance Plan Penrose Landfill July 10, 1998	1090	25
--	------	----

Landfill Monitoring Report First Quarter, 1998 Penrose Landfill	1154	26
---	------	----

Volume 3

Landfill Monitoring Report Fourth Quarter, 1997 Penrose Landfill	1256	27
--	------	----

Landfill Monitoring Report Third Quarter, 1997 Penrose Landfill	1338	28
---	------	----

Landfill Monitoring Report Second Quarter, 1997 Penrose Landfill	1426	29
--	------	----

Landfill Monitoring Report First Quarter, 1997 Penrose Landfill	1506	30
---	------	----

Landfill Monitoring Report Fourth Quarter, 1996 Penrose Landfill	1585	31
--	------	----

Landfill Monitoring Report Third Quarter, 1996 Penrose Landfill	1672	32
---	------	----

Landfill Monitoring Report Second Quarter, 1996 Penrose Landfill	1758	33
--	------	----

Volume 4

Landfill Monitoring Report First Quarter, 1996 Penrose Landfill	1849	34
---	------	----

Landfill Monitoring Report Fourth Quarter, 1995 Penrose Landfill	1928	35
--	------	----

Landfill Monitoring Report Third Quarter, 1995 Penrose Landfill	2007	36
---	------	----

Landfill Monitoring Report Second Quarter, 1995 Penrose Landfill	2098	37
--	------	----

Landfill Monitoring Report First Quarter, 1995 Penrose Landfill	2205	38
---	------	----

Landfill Monitoring Report Fourth Quarter, 1994 Penrose Landfill	2290	39
--	------	----

Volume 5

Landfill Monitoring Report Second Quarter, 1994 Penrose Landfill	2369	40
Landfill Monitoring Report Third Quarter, 1994 Penrose Landfill	2477	41
Landfill Monitoring Report Fourth Quarter, 1993 Penrose Landfill	2567	42
Landfill Monitoring Report First Quarter, 1994 Penrose Landfill	2642	43
Landfill Monitoring Report Fourth Quarter, 1993 Penrose Landfill	2751	44
Groundwater Monitoring Report and Annual Summary Strathern Landfill January 13, 2005	2825	45
Contained Documents: (a) Tables; page # 2835 (b) Figures; page # 2838 (c) Appendix A Groundwater Database; page # 2842 (d) Appendix B Groundwater Sampling Protocol; page # 2849 (e) Appendix C; page # 2852 (f) Appendix D; page # 2867		

Groundwater Monitoring Report 2874 46
July 15, 2005
Strathern Landfill

Contained Documents: (a) Tables; page # 2881
(b) Figures; page # 2884
(c) Groundwater Database; page # 2888
(d) Sample Collection Records; page # 2891
(e) Laboratory Analytical Report; page # 2894
(f) Water Quality History; page # 2912

Volume 6

Groundwater Monitoring Report 2919 47
First 2004 Semi- Annual
Strathern Landfill

Contained Documents: (a) Tables; page # 2927
(b) Figures; page # 2929
(c) Appendix A; page # 2933
(d) Appendix B; page # 2940
(e) Appendix C; page # 2943

Groundwater Monitoring Report 2959 48
First Quarter, 1998
Strathern Landfill

Contained Documents: (a) Figures; page # 2968
(b) Appendix A; page # 2972
(c) Appendix B; page # 2977
(d) Appendix C; page # 2981

Groundwater Monitoring Report 2995 49
Second 2005 Semi- Annual
Strathern Landfill

Groundwater Monitoring and Waste Disposal Report Second Quarter, 2003 Strathern Landfill	3040	50
Contained Documents: (a) Figures; page # 3051 (b) Appendix A; page # 3056 (c) Appendix B; page # 3063 (d) Appendix C; page # 3066		
Groundwater Monitoring Report Fourth Quarter 2003 Strathern Landfill	3081	51
Contained Documents: (a) Tables; page # 3091 (b) Figures; page # 3094 (c) Appendix A; page # 3099 (d) Appendix B; page # 3106 (e) Appendix C; page # 3109 (f) Appendix D; page # 3112 (g) Appendix E; page # 3130		
Groundwater Monitoring Report Fourth Quarter and 2002 Annual Strathern Landfill	3137	52
Contained Documents: (a) Tables; page # 3146 (b) Figures; page # 3149 (c) Appendix A; page # 3154 (d) Appendix B; page # 3161 (e) Appendix C; page # 3163 (f) Appendix D; page # 3166 (g) Appendix E; page # 3209		
Monitoring Well Redevelopment Report November 25, 2003 Strathern Landfill	3217	53
Contained Documents: (a) Table; page # 3222 (b) Appendix B; page # 3229		

Groundwater Monitoring and Waste Disposal Report Second Quarter, 2002 Strathern Landfill	3233	54
Contained Documents: (a) Tables; page # 3241 (b) Figures; page # 3244 (c) Appendix A; page # 3249 (d) Appendix B; page # 3256 (c) Appendix C; page # 3259		
Groundwater Monitoring Report First Quarter, 2001 Strathern Landfill	3288	55
Contained Documents: (a) Figures; page # 3297 (b) Appendix A; page # 3302 (c) Appendix B; page # 3309 (d) Appendix C; page # 3311 (e) Appendix D; page # 3314		
Groundwater Monitoring Report 2001 Annual Strathern Landfill	3329	56
Groundwater Monitoring Report Third Quarter 2001 Strathern Landfill	3399	57
<u>Volume 7</u>		
Groundwater Monitoring 2000 Annual Report Strathern Landfill	3440	58
Groundwater Monitoring Report First Quarter, 2000 Strathern Landfill	3504	59
Groundwater Monitoring Report Third Quarter, 2000 Strathern Landfill	3539	60

Groundwater Monitoring 1999 Annual Report Strathern Landfill	3576	61
Groundwater Monitoring Report First Quarter, 1999 Strathern Landfill	3646	62
Groundwater Monitoring 1998 Annual Report Strathern Landfill	3684	63
Groundwater Monitoring Report Third Quarter, 1998 Strathern Landfill	3745	64
Groundwater Monitoring Report First Quarter 1997 Strathern Landfill	3783	65
Groundwater Monitoring Report Third Quarter 1997 Strathern Landfill	3819	66
Groundwater Monitoring 1997 Annual Report Strathern Landfill	3855	67
Groundwater Monitoring 1996 Annual Report Strathern Landfill	3917	68
<u>Volume 8</u>		
Groundwater Monitoring Report First Quarter 1995 Strathern Landfill	3980	69
Groundwater Monitoring 1995 Annual Report Strathern Landfill	4018	70

Groundwater Monitoring 1994 Annual Report Strathern Landfill	4080	71
Groundwater Monitoring Report Third Quarter 1994 Strathern Landfill	4148	72
Groundwater Monitoring Report First Quarter, 1993 Strathern Landfill	4173	73
Groundwater Monitoring 1993 Annual Report Strathern Landfill	4227	74
Groundwater Monitoring 1992 Annual Report Strathern Landfill	4299	75
Groundwater Monitoring Report Fourth Quarter, 1987 Penrose Landfill	4308	76
Construction & Testing of Vadose Zone Monitoring Systems Penrose and Newberry Landfills, & Strathern Pit January 1989	4339	77
Solid Waste Assessment Test Supplementary Monitoring Report Penrose and Newberry Landfills, & Strathern Pit July 1, 1989	4366	78

Volume 9

Letter from United States Environmental Protection Agency December 31, 1996 Pacific Energy	4498	79
---	------	----

Lease Los Angeles By-Products Co. and The Flintkote Company August 1965	4501	80
Lease Los Angeles By-Products and John Wells Golf Shop, Inc.	4512	81
Assignment of Lease November 1, 2003	4529	82
Consent to Sublease Agreement December 9, 1999	4544	83
Lease June 1, 1993 Los Angeles By-Products and Donald Phillips	4554	84
Lease February 24, 1984 Los Angeles By-Products and A-1 Scrap, INC.	4580	85
Lease April 1, 1990 Los Angeles By-Products and A-1 Scrap, INC.	4598	86
Third Amendment to Lease April 1, 1990	4624	87
Standard Industrial/ Commercial Single-Tenant Lease April 1, 2002 Los Angeles By-Products and Edward A. Borges	4629	88
Addendum to Lease Agreement Los Angeles By-Products and Edward A. Borges	4641	89
Lease April 1, 1995 Los Angeles By-Products and Owner Operator Ready Mix Concrete	4647	90

Lease April 1, 1981 Los Angeles By-Products and Owner Operator Ready Mix Concrete	4670	91
Lease April 1, 1964 Los Angeles By-Products and Le Valley Ready Mix Co.	4691	92
Landfill Gas Lease Cambrian Energy Systems and Los Angeles By-Products	4710	93
Ground Water Monitoring Report Annual Report, 1985-86 Penrose Landfill	4784	94
Ground Water Monitoring Report First Quarter, 1986 Penrose Landfill	4819	95
Environmental Risk Analysis System Final Report, 29 January 1979 Penrose Pit Sanitary Landfill	4852	96
Regional Water Quality Control Board April 17, 1987	4872	97
Ground Water Monitoring Report Second Quarter, 1987 Penrose Landfill	4930	98
Proposed Solid Waste Assessment Test Monitoring Program (SWAT) Tuxford Landfill	4954	99
Solid Waste Assessment Test (SWAT)-Water Tuxford Landfill	4974	100
<u>Volume 10</u>		
Solid Waste Assessment Test (SWAT) Water Penrose and Newberry Landfills June 29, 1988	5096	1

Proposed Solid Waste Assessment Test Monitoring Program (SWAT) Tuxford Landfill	5229	2
Report of Geotechnical Investigation Proposed Strathern Sanitary Landfill	5249	3
Solid Waste Assessment Test Supplementary Monitoring Report Tuxford Landfill July 1, 1989	5316	4
Solid Waste Assessment Test Supplementary Monitoring Report Penrose and Newberry Landfills and Strathern Pit	5447	5
<u>Volume 11</u>		
Construction and Testing of Monitoring Wells Tuxford Landfill January 1989	5573	6
Construction and Testing of Monitoring Wells Penrose and Newberry Landfills January 1989	5614	7
Third Quarter 1999 Groundwater Monitoring Report Strathern Landfill	5660	8
Second SWAT Supplemental Monitoring Report Tuxford Landfill December 17, 1990	5698	9
Second SWAT Supplemental Monitoring Report Tuxford Landfill December 17, 1990	5789	10
1996 Annual Report Groundwater Monitoring Strathern Landfill	5919	11

Groundwater Monitoring Report Third Quarter 1996 Strathern Landfill	5982	12
---	------	----

First Quarter 1996 Groundwater Monitoring Report Strathern Landfill	6018	13
---	------	----

Volume 12

1995 Annual Report Groundwater Monitoring Strathern Landfill	6049	14
--	------	----

Groundwater Monitoring Report First Quarter 1995 Strathern Landfill	6109	15
---	------	----

Groundwater Monitoring Report Third Quarter 1994 Strathern Landfill	6148	16
---	------	----

Groundwater Monitoring Report First Quarter 1994 Strathern Landfill	6173	17
---	------	----

1994 Annual Report Groundwater Monitoring Strathern Landfill	6209	18
--	------	----

Groundwater Monitoring Report First Quarter 1993 Strathern Landfill	6277	19
---	------	----

Groundwater Monitoring Report Second Quarter 1993 Strathern Landfill	6331	20
--	------	----

Groundwater Monitoring Report Third Quarter 1993 Strathern Landfill	6369	21
---	------	----

1993 Annual Report Groundwater Monitoring Strathern Landfill	6406	22
--	------	----

Letter from Central Plants, Inc. February 25, 1983 Lockman and Associates	6705	23
---	------	----

Volume 13

Ground Water Monitoring Report Annual Report, 1985-86 Penrose Landfill	6766	24
--	------	----

Ground Water Monitoring Report Third Quarter, 1986 Penrose Landfill	6800	25
---	------	----

Closure Plan Penrose Sanitary Landfill	6816	26
---	------	----

Appendix A Agency Correspondence	6845	27
-------------------------------------	------	----

Appendix B Gas Control Structures	6856	28
--------------------------------------	------	----

Appendix C Settlement Calculations	6860	29
---------------------------------------	------	----

Appendix D Water Balance Calculations	6865	30
--	------	----

Revised Ground Water Monitoring Plan Penrose Landfill August 27, 1985	6889	31
---	------	----

Appendix A Chemical Analyses of Selected Wells	6915	32
---	------	----

Appendix B Landfill Gas Analyses	6966	33
-------------------------------------	------	----

Appendix C CRWOCB July 30, 1985 Letter	6971	34
Ground Water Monitoring Report Third Quarter, 1985 Penrose Landfill	6974	35
Preliminary Closure Plan Penrose Sanitary Landfill	7040	36
Completion Report Construction of Monitoring Wells 1, 2, and 4 Vicinity Proposed Strathern Landfill	7070	37
<u>Volume 14</u>		
Proposal Final Cover Project Penrose Landfill March 25, 1993	7099	38
Specifications for Construction of Final Cover Penrose Landfill October 6, 1992	7107	39
Results of Permeability Testing Existing Cover Penrose Landfill August 14, 1992	7127	40
Appendix A Boring Logs	7133	41
Appendix B Well Data	7141	42
Appendix C Test Data	7148	43
Revised Closure Plan Penrose Sanitary Landfill	7155	44

Letter from Pacific Lighting Energy Systems December 2, 1987 Los Angeles By Products Company	7194	45
Gas Control Structures	7217	46
Settlement Calculations	7220	47
Appendix D Quality Assurance/ Quality Control for the Placement of Compacted Fill Layer of Final Cover	7222	48
Water Balance Calculations	7242	49
Ground Water Monitoring Workplan Strathern Inert Waste Landfill October 15, 1991	7268	50
Appendix A Ground Water Sampling Protocol	7275	51
Ground Water Monitoring Report Fourth Quarter, 1987 Penrose Landfill	7280	52
Letter from LeRoy Crandall and Associates July 2, 1987 Los Angeles By Products	7311	53
Letter from LeRoy Crandall and Associates June 8, 1984 Los Angeles By Products Company	7335	54
Solid Waste Assessment Test Penrose and Newberry Landfills June 29, 1988	7354	55
Ground Water Monitoring Workplan Strathern Inert Waste Landfill October 15, 1991	7484	56

Appendix A Ground Water Sampling Protocol	7491	57
Report of Geotechnical Investigation Proposed Strathern Sanitary Landfill	7496	58
<u>Volume 15</u>		
Report of Design Features Proposed Strathern Landfill	7565	59
Appendix A Proposed Drain Plane Grading Specifications	7603	60
Letter from M.J. Schiff & Associates February 10, 1983 LeRoy Crandall and Associates	7616	61
Letter from Department of Water and Power of the City of Los Angeles March 11, 1983 LeRoy Crandall and Associates	7636	62
Methane Specialists Landfill Monitoring Report for First Quarter, 1995 Penrose Landfill	7638	63
Letter from LeRoy Crandall and Associates July 2, 1987 Los Angeles By Products	7723	64
Report of Additional Subsurface Soil Investigation Penrose Landfill	7747	65
Groundwater Monitoring Report First Quarter 1994 Strathern Landfill	7806	66
Appendix A Groundwater Sampling Protocol	7816	67
Appendix B Groundwater Database	7820	68

Appendix C Results of Laboratory Analysis and Chain-of-Custody Record	7825	69
1990 Annual Report Ground Water Monitoring Penrose Landfill	7841	70
Appendix A Statistical Concentration Graphs Historical Water Quality Graphs	7859	71
Appendix B Results of Laboratory Analyses and Chain-of- Custody Record	7874	72
Appendix C Ground Water Database	7921	73
Sepich Associates, Inc. October 25, 1993 Penrose Pit Closure City of Los Angeles	7933	74
Letter from Sepich Associates, Inc. April 19, 1995 To City of Los Angeles	7997	75
<u>Volume 16</u> Solid Waste Assessment Test Report Newberry Landfill October 1988	8073	76
Grant Deed	8533	77

DONALD M. HOFFMAN
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November 16, 2010

Kim Muratore, Case Developer (SFD-7-B)
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: Los Angeles By-Products Co. Claim of Privilege/
Cal Mat's FOIA Request for NHOU documents

Dear Ms. Muratore:

This letter is in response to your telephone request of November 15, 2010, for clarification of the identity of the documents for which Los Angeles By-Products Co. (LAByPro) continues to claim privilege with regard to their 104(e) responses to EPA's General Notice Letter dated April 25, 2006, as set forth in my letter of November 10, 2010, to Michael Massey. Apparently, the confusion results from the fact that the files which were provided to you were removed from the Volumes provided by LABP to the EPA in 2006.

To clarify, we are claiming privilege of the following documents:

1. Pages 6-9 of 15 of the letter dated July 26, 2006, from Raul M. Montes, of Greenwald, Hoffman, Meyer & Montes, LLP, to Kim Muratore, U. S. EPA, Region 9, consisting of the Los Angeles By-Products Leases and the Los Angeles By-Products Insurance Information. This letter is not Bates numbered.

2. Bates Numbered Pages 4501-4783 (these items are all various lease agreements);

3. Bates Numbered Pages 5249-5315 (Geotechnical Investigation of the Proposed Strathern Sanitary Landfill);

4. Bates Numbered Pages 6705-6765 (documents relating to the Landfill Gas Recovery System).

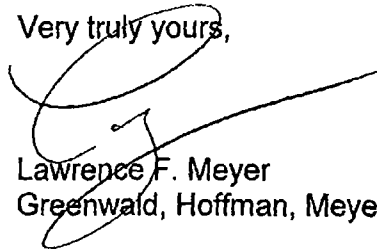
LAByPro also claims privilege of this letter to you dated November 16, 2010, to the extent that it identifies privileged documents, and bases its privilege

SDMS DOC #
2109288
6-10

Kim Muratore.
November 16, 2010
Page 2 of 2

claims on its General Objections to General Notice letter 104(e)), Claim of Confidentiality (p. 6-8 of LAByPro responses), LA By Products claims of confidentiality (pages 9-11).

Very truly yours,

A handwritten signature in black ink, appearing to be "Lawrence F. Meyer", written over the typed name and firm name.

Lawrence F. Meyer
Greenwald, Hoffman, Meyer & Montes, LLP

cc: Michael Massey, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

File

Certified Mail Number: 7010 1060 0002 0234 5850
Return Receipt Requested

December 9, 2010

Lawrence Meyer
Greenwald, Hoffman, Meyer & Montes, LLP
500 N. Brand Blvd., Suite 920
Glendale, CA 91203-1923

Re: Freedom of Information Act ("FOIA") Request 09-FOI-00460-10

Dear Mr. Meyer:

The U.S. Environmental Protection Agency ("EPA" or "Agency") has received a request under the FOIA for a copy of a letter from your law firm dated July 26, 2006 which provides a response by Los Angeles By-Products Company to EPA's CERCLA Section 104(e) Information Request letter dated April 25, 2006. In a letter to EPA dated November 16, 2010 regarding the July 26, 2006 letter, you released portions of the July 26, 2006 letter from your previous claims of confidential business information ("CBI") and privilege, and continued to claim certain portions of the letter and attachments as confidential and privileged. You also claimed the November 16, 2010 letter which discusses privilege claims as privileged. In an email to you from EPA attorney Michael Massey dated December 1, 2010, you were notified that EPA does not recognize any privilege applicable to the November 16, 2010 letter because the letter is not a settlement document and does not contain any confidential business information. Before releasing the July 26, 2006 Section 104(e) response in its entirety, you are offered the opportunity to substantiate your claims of confidentiality and privilege in accordance with EPA policy.

If you wish to continue to claim certain portions of the July 26, 2006 response, identified as items 1-4 in your November 16, 2010 letter (as well as the November letter itself) as confidential and privileged, please answer the following questions for each item that you wish to claim as CBI and privileged:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, please explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data) and the specific basis for any claims of privilege in either the July 26, 2006 or November 16, 2010 letters.

Please note that you bear the burden of substantiating your confidentiality and privilege claims. Conclusory allegations will be given little or no weight in the determination. If you wish to claim any of the information in your response as confidential, you must mark the response **"CONFIDENTIAL"** or with a similar designation, and must bracket all text so claimed. Information so designated will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Your comments must be postmarked or hand delivered to this office, or e-mailed to Mr. Massey at massey.michael@epa.gov, by the 15th working day after your receipt of this letter. You may seek an extension of time to submit your comments to this office, but the request must be made before the end of the 15-day period. Except in extraordinary circumstances, no extension will be approved. Failure to submit your comments within that time will be regarded as a waiver of your privilege and confidentiality claims, and EPA may release the information.

Should you have any questions concerning this matter, please call Mr. Massey at (415) 972-3034.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Muratore", with a long horizontal flourish extending to the right.

Kim Muratore, Case Developer
Cost Recovery & Case Development Section
Superfund Division, EPA Region 9

DER. COMPLETE THIS SECTION:

Complete items 1, 2, and 3. Also complete
item 4 if Restricted Delivery is desired.
Print your name and address on the reverse
so that we can return the card to you.
Attach this card to the back of the mailpiece,
on the front if space permits.

Mail Addressed to:

**LAWRENCE MEYER
EDWARD HOFFMAN,
MEYER & MONTES, LLP
60 N. BRAND BLVD, #920
SUNDALE, CA 91203-1923**

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

BRUCE K. CARSON

C. Date of Delivery

12-13-00

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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Form 3811, February 2004

Domestic Return Receipt

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JMBM | Jeffer Mangels
Butler & Mitchell LLP

Nelli E. Brower
Direct: (310) 712-6833
Fax: (310) 712-8564
NB4@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com
Ref: 58038-0043

August 16, 2010

VIA EMAIL AND U.S. MAIL

Kelly Manheimer
Site Manager, San Fernando Valley Superfund Site,
North Hollywood Operable Unit
Mail Code SFD71
75 Hawthorne Street
San Francisco, CA 94105

Re: Freedom of Information Act ("FOIA") Request:
Correspondence with Los Angeles By-Products Company regarding the
San Fernando Valley Superfund Site, North Hollywood Operable Unit
("NHOU")

Dear Ms. Manheimer:

On behalf of our client CalMat Co. dba Vulcan Materials Company, Western
Division ("CalMat"), and pursuant to the Freedom of Information Act ("FOIA") (5 U.S.C. § 552,
et seq.), we request copies of all non-privileged public records within the possession and/or
control of the Environmental Protection Agency ("EPA") in connection with the NHOU
concerning or referencing the following:

- Any request for information submitted to Los Angeles By-Products Company at 4050
Katella Avenue, Los Alamitos, CA 90720 (or any other address) by the EPA or the Los
Angeles Regional Water Quality Control Board ("LARWQCB") pursuant to § 104(e) of
CERCLA;
- Any response from Los Angeles By-Products Company or its representative in response
to any CERCLA § 104(e) request for information issued by the EPA or the LARWQCB;
- Any and all other non-privileged information regarding the activities of Los Angeles By-
Products Company within the NHOU;
- Any and all documents provided by Los Angeles By-Products Company regarding
operations or contamination within the NHOU;

DUE DATE: 9/21
FOIA 09-FOI-00460-10

9/28/10
DOC ID 2163566
6/28/06
7/26/06
104e RESPONSE

LOOK AT SDMS
HAVE SAC LOOK

LOOK AT SDMS
HAVE SAC

- WOULD BE IN
104e

10/8

LA555

Kelly Manheimer
August 16, 2010
Page 2

LIST OF NAMES
ONLY THAT WILL
HAVE MEMORANDUM

- Any and all information provided by or on behalf of Honeywell Int'l Inc. ("Honeywell") regarding the claim that additional potentially responsible parties ("PRPs") exist for the NHOU;

RECOMMENDED
PARTIES

- Any and all information provided by or on behalf of Honeywell regarding additional PRPs for contamination in the NHOU; and

NONE PROVIDED

- Any and all information provided by or on behalf of any third parties regarding additional PRPs for contamination in the NHOU.

HAWKER
REC. PARTIES

DITTO NAMES FROM HAWKER

We look forward to your response. Please contact our office with any questions or concerns.

Very Truly Yours,



Neill E. Brower of
Jeffer Mangels Butler & Mitchell LLP

NEB:neb

Kelly Manheimer
August 16, 2010
Page 2

- Any and all information provided by or on behalf of Honeywell Int'l Inc. ("Honeywell") regarding the claim that additional potentially responsible parties ("PRPs") exist for the NHOU;
- Any and all information provided by or on behalf of Honeywell regarding additional PRPs for contamination in the NHOU; and
- Any and all information provided by or on behalf of any third parties regarding additional PRPs for contamination in the NHOU.

We look forward to your response. Please contact our office with any questions or concerns.

Very Truly Yours,



Neill E. Brower of
Jeffer Mangels Butler & Mitchell LLP

NEB:neb



Fw: A FOIA Request for San Fernando Valley \$FUND site, ("NHOU")

Kim Muratore to: Kelly Manheimer, Michael Massey

09/16/2010 01:11 PM

First, I've obtained a FOIA extension to the due date which is now going to be 9/28 (a week from next Tuesday). Next, the requestor, Neil Browner (whose client is CalMat dba Vulcan Materials Company), agreed to drop his requests that are in bullets numbers 3 & 4. He also agreed to modify his bullet #5 request to only asking for the list of facility names that Honeywell provided in its chart to us, and only those names which it lists on the chart as warranting facility memorandum be prepared (I think this is 9 of the 35 or so names on the chart). For bullet #6, Don Walsh of MWH is going to check with Honeywell's attorney to see if Honeywell is okay with us releasing copies of the memoranda (they aren't marked confidential but I called Don to check). For the last bullet, #7, Neil agreed that I would only provide the list of Hawker recommended names as a response to this question.

My questions for you, Mike, are these: (1) If Honeywell is okay with releasing copies of the facility memoranda, are you okay with us doing so? I don't see any reason not to, as long as we make it clear that we neither agree nor disagree with Honeywell's information; and (2) I wanted to make sure that you are okay with us releasing the names of the Hawker and Honeywell recommended parties/facilities. Again, I don't see a problem with doing so, but wanted to check in with you.

Kim Muratore, Case Developer (SFD-7-B)

Phone: (415) 972-3121

Fax: (415) 947-3520

Email: muratore.kim@epa.gov

----- Forwarded by Kim Muratore/R9/USEPA/US on 09/16/2010 12:32 PM -----

From: Kelly Manheimer/R9/USEPA/US
To: Kim Muratore/R9/USEPA/US@EPA
Cc: Michael Massey/R9/USEPA/US@EPA
Date: 08/31/2010 10:16 AM
Subject: Fw: A FOIA Request for San Fernando Valley \$FUND site, ("NHOU")

Hi, Kim:

New FOIA, from JMBM. It is mostly about PRP information, so can you please help out? Let's discuss on Thursday, and perhaps we can split it up?

Thanks!

Regards,
Kelly Manheimer
EPA, Superfund SFD-7-1
415-972-3290

----- Forwarded by Kelly Manheimer/R9/USEPA/US on 08/31/2010 10:15 AM -----

From: Peter Tran/R9/USEPA/US
To: Kelly Manheimer/R9/USEPA/US@EPA
Date: 08/31/2010 08:00 AM
Subject: Re: A FOIA Request for San Fernando Valley \$FUND site, ("NHOU")

Good Morning Kelly--

Attached is the .tif file that came from the requestor that I have converted into Word format for you



09-FOI-00460-10 ("NHOU").doc

Hope this helps!



Kelly Manheimer

I cannot see any request here - what do they wa...

08/30/2010 05:20:35 PM

From: Kelly Manheimer/R9/USEPA/US
To: Peter Tran/R9/USEPA/US@EPA
Cc: Leslie Owyang-Chin/R9/USEPA/US@EPA, Peter Tran/R9/USEPA/US@EPA
Date: 08/30/2010 05:20 PM
Subject: Re: A FOIA Request for San Fernando Valley \$FUND site, ("NHOU")

I cannot see any request here - what do they want?

Thanks!

Regards,
Kelly Manheimer
EPA, Superfund SFD-7-1
415-972-3290

Peter Tran

A new FOIA Request has been entered into the...

08/26/2010 01:59:25 PM

FREEDOM OF INFORMATION ACT REQUESTS
09-FOI-00460-10

Requestor: Neill Brower

Request Date: August 16, 2010

Date Received: August 23, 2010

Company: JMBM

Fee Category: Commercial

Subject: San Fernando Valley \$FUND site, ("NHOU")

Assigned To:
2010

Due Date: September 21,

R9-\$FUND

FIS: Alita Green

Special Instructions:

PLEASE SEND RESPONSES AND COVER MEMO
TO FOIA OFFICER

Neill E. Brower
Direct: (310) 712-6833
Fax: (310) 712-8564
NB4@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 58038-0043

August 16, 2010

VIA EMAIL AND U.S. MAIL

Kelly Manheimer
Site Manager, San Fernando Valley Superfund Site,
North Hollywood Operable Unit
Mail Code SFD71
75 Hawthorne Street
San Francisco, CA 94105

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Correspondence with Los Angeles By-Products Company regarding the
San Fernando Valley Superfund Site, North Hollywood Operable Unit
("NHOU")

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- Any request for information submitted to Los Angeles By-Products Company at 4050 Katella Avenue, Los Alamitos, CA 90720 (or any other address) by the EPA or the Los Angeles Regional Water Quality Control Board ("LARWQCB") pursuant to § 104(e) of CERCLA;
- Any response from Los Angeles By-Products Company or its representative in response to any CERCLA § 104(e) request for information issued by the EPA or the LARWQCB;
- Any and all other non-privileged information regarding the activities of Los Angeles By-Products Company within the NHOU;
- Any and all documents provided by Los Angeles By-Products Company regarding operations or contamination within the NHOU;

Kelly Manheimer
August 16, 2010
Page 2

- Any and all information provided by or on behalf of Honeywell Int'l Inc. ("Honeywell") regarding the claim that additional potentially responsible parties ("PRPs") exist for the NHOU;
- Any and all information provided by or on behalf of Honeywell regarding additional PRPs for contamination in the NHOU; and
- Any and all information provided by or on behalf of any third parties regarding additional PRPs for contamination in the NHOU.

We look forward to your response. Please contact our office with any questions or concerns.

Very Truly Yours,



Neill E. Brower of
Jeffer Mangels Butler & Mitchell LLP

NEB:neb

Kelly Manheimer
August 16, 2010
Page 2

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- Any and all information provided by or on behalf of Honeywell regarding additional PRPs for contamination in the NHOU; and
- Any and all information provided by or on behalf of any third parties regarding additional PRPs for contamination in the NHOU.

We look forward to your response. Please contact our office with any questions or concerns.

Very Truly Yours,



Neill E. Brower of
Jeffer Mangels Butler & Mitchell LLP

NEB:neb

DONALD M. HOFFMAN
LAWRENCE F. MEYER
RAUL M. MONTES

GUY P. GREENWALD, JR.
(1914-1984)

GREENWALD, HOFFMAN, MEYER
& MONTES, LLP
ATTORNEYS AT LAW

500 NORTH BRAND BOULEVARD, SUITE 920
GLENDALE, CALIFORNIA 91203-1923

TELEPHONE
(818) 507-8100
(213) 381-1131

FACSIMILE
(818) 507-8484

November 10, 2010

Michael Massey, Esq.
Office of the Regional Counsel
U.S. EPA Region 9, ORC-3
75 Hawthorne Street
San Francisco, CA 94105

Re: Los Angeles By-Products Co. Claim of Privilege/
Cal Mat's FOIA Request for NHOU documents

Dear Mr. Massey:

We have conducted a review of the claim of privilege by Los Angeles By-Products Co. (LAByPro) with regard to their 104(e) responses to EPA's General Notice Letter dated April 25, 2006. Said responses are contained in letters dated May 31, 2006, June 14, 2006, June 28, 2006, and July 26, 2006, from Raul M. Montes, of Greenwald, Hoffman, Meyer & Montes, LLP, to Kim Muratore, U. S. EPA, Region 9, and the documents contained therewith. Said responses are contained in a total of 16 Volumes, and are tabbed and Bates numbered by page.

On behalf of LAByPro, this office, as attorneys for Los Angeles By-Products Co., does hereby release all of the claims for privilege for the following items contained in the attached Table of Contents:

1. Volumes 1-9 - Landfill monitoring reports (page numbers 1-4500, tab numbers 1-79); groundwater monitoring reports and SWAT documents (page numbers 4784-5095, tab numbers 94-100)
2. Volume 10 - we release (pages 5096-5248, tabs 1 & 2) and (pages 5316-5572, tabs 4 and 5).
3. Volume 11 (SWATS and further groundwater reports) in its entirety;
4. Volume 12 - we release all documents except Tab 23 at page 6705-6765.

Michael Massey, Esq.
November 10, 2010
Page 2 of 2

5. We release letters dated May 31, 2006, June 14, 2006, June 28, 2006, and July 26, 2006, from Raul M. Montes, of Greenwald, Hoffman, Meyer & Montes, LLP, to Kim Muratore, U. S. EPA, Region 9, except pages 6 through 11 of 15 of the letter dated July 26, 2006, from Raul M. Montes.

In sum, we continue to claim and assert privileges for the following documents set forth in LAByPro Table of Contents:

Volume 9

Pages 4501-4783 (tabs 80-93);

Volume 10

Pages 5249-5315 (tab 3);

Volume 12

Pages 6705-6765 (tab 23).

LEASES

*GEOTECH INV.
STRATHIERN*

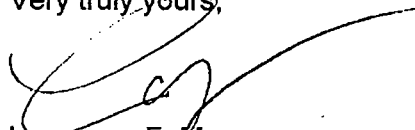
*LTR FROM CENTRAL
PLANTS
2/25/83*

LAByPro bases its privilege claims on its General Objections to General Notice letter 104(e)), Claim of Confidentiality (p. 6-8 of LAByPro responses), LA By Products claims of confidentiality (pages 9-11).

The letter of July 26, 2006, pages 6-9 also remains privileged for the same reasons set forth in LAByPro response.

We are willing to discuss these privilege claims with you and/or directly with Mr. Ehrlich.

Very truly yours,



Lawrence F. Meyer
Greenwald, Hoffman, Meyer & Montes, LLP

cc: Kenneth Ehrlich, Esq.
Kim Muratore, EPA